
A BILL FOR AN ACT

RELATING TO LIQUOR.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Special conditions; condominium hotel licenses.

5 A condominium hotel operator shall:

6 (1) Submit to the commission a copy of the initial
7 application for registration of the condominium hotel
8 operator approved by the real estate commission
9 pursuant to section 467-30, if the condominium hotel
10 operator is required to register under that section;
11 and

12 (2) Maintain at the condominium hotel for inspection by
13 the commission, a list of the units currently being
14 used for transient lodgings as part of the condominium
15 hotel."

16 SECTION 2. Section 281-1, Hawaii Revised Statutes, is
17 amended as follows:



1 1. By adding three new definitions to be appropriately
2 inserted and to read:

3 "Condominium hotel" means an establishment consisting of
4 one or more buildings that includes:

5 (1) Guest rooms that are units subject to chapter 514B,
6 that are used to provide transient lodging for periods
7 of less than thirty days under a written contract with
8 the owner or owners of the unit;

9 (2) Guest rooms that are units owned or managed by the
10 condominium hotel operator and that are used to
11 provide transient lodging for periods of less than
12 thirty days and are offered for adequate pay to
13 transient guests; and

14 (3) A suitable and adequate kitchen and dining room, where
15 meals are regularly prepared and served to guests and
16 other customers.

17 "Condominium hotel" does not include a hotel that may be part of
18 a condominium property regime established under chapter 514B,
19 that does not have guest rooms that are separate units.

20 "Condominium hotel operator" means any person who operates
21 a condominium hotel, including a condominium hotel operator
22 registered under section 467-30.



1 "Unit" has the same meaning as in section 514B-3."

2 2. By amending the definitions of "minibar" and "premises"
3 to read:

4 "Minibar" means a specified area of a hotel or condominium
5 hotel guest room where a selection of liquors in [~~their~~] its
6 original package [~~are~~] is kept for sale or consumption in the
7 hotel or condominium hotel guest room.

8 "Premises" or "licensed premises" means the building and
9 property that houses the establishment for which a license has
10 been or is proposed to be issued; provided that in the case of
11 class 12 hotel license, "premises" includes the hotel premises;
12 provided that in the case of a class 15 condominium hotel
13 license, "premises" includes units that are used to provide
14 transient lodging for periods of less than thirty days under a
15 written contract with the owner or owners of each such unit in
16 the condominium hotel, and common elements for access purposes
17 established by the declaration of condominium property regime of
18 the condominium hotel; and provided further that if an
19 establishment is in a retail shopping complex the businesses of
20 which have formed a merchants association, "premises" means the
21 establishment. As used in this definition, "establishment"



1 means a single physical location where the selling of liquor
2 takes place."

3 SECTION 3. Section 281-31, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§281-31 Licenses, classes.** (a) Licenses may be granted
6 by the liquor commission as provided in this section.

7 (b) Class 1. [~~Manufacturers' licenses.~~] Manufacturer's
8 license. A license for the manufacture of liquor shall
9 authorize the licensee to manufacture the liquor therein
10 specified and to sell it at wholesale in original packages to
11 any person who holds a license to resell it and to sell draught
12 beer or wine manufactured from grapes or other fruits grown in
13 the [~~State~~] state in any quantity to any person for private use
14 and consumption. Under this license, no liquor shall be
15 consumed on the premises except as authorized by the
16 commission. Of this class, there shall be the following kinds:

- 17 (1) Beer;
18 (2) Wine;
19 (3) Alcohol; and
20 (4) Other specified liquor.

21 It shall be unlawful for any holder of a manufacturer's
22 license to have any interest whatsoever in the license or



1 licensed premises of any other licensee. This subsection shall
2 not prevent the holder of a beer class manufacturer's license
3 under this chapter or under the law of another jurisdiction from
4 maintaining any interest in the license or licensed premises of
5 a beer and wine class wholesale dealer licensee under this
6 chapter whose wholesaling is limited to beer, other than direct
7 ownership of a beer and wine class wholesale dealer's license,
8 or direct ownership of a partnership share, one or more shares
9 of stock, or similar proprietary stake in the holder of a beer
10 and wine class wholesale dealer's license.

11 (c) Class 2. Restaurant [~~licenses.~~] license.

12 (1) A license under this class shall authorize the
13 licensee to sell liquors specified in this subsection
14 for consumption on the premises; provided that a
15 restaurant licensee, with commission approval, may
16 provide off-premises catering; provided further that
17 the catering activity shall be directly related to the
18 licensee's operation as a restaurant. A licensee
19 under this class shall be issued a license according
20 to the category of establishment the licensee owns or
21 operates. The categories of establishment shall be as
22 follows:



1 (A) A standard bar; or
2 (B) [~~A premises~~] Premises in which live entertainment
3 or recorded music is provided. Facilities for
4 dancing by the patrons may be permitted as
5 provided by commission rules.

6 (2) If a licensee under class 2 desires to change the
7 category of establishment the licensee owns or
8 operates, the licensee shall apply for a new license
9 applicable to the category of the licensee's
10 establishment.

11 (3) For each category of class 2 licenses, there shall be
12 the following kinds:

13 (A) General (includes all liquors except alcohol);

14 (B) Beer and wine; and

15 (C) Beer.

16 Any licensee holding a different class of license on June 19,
17 1990, and who would otherwise come within this class of license
18 shall not be required to apply for a new license.

19 (d) Class 3. Wholesale [~~dealers' licenses.~~] dealer's
20 license. A license for the sale of liquors at wholesale shall
21 authorize the licensee to import and sell only to licensees or
22 to others who are by law authorized to resell but are not by law



1 required to hold a license, the liquors therein specified in
2 quantities not less than five gallons at one time if sold from
3 or in bulk containers or not less than one gallon if bottled
4 goods; provided that samples of liquor may be sold back to the
5 manufacturer. The license may authorize the licensee to sell
6 draught beer in quantities not less than five gallons at one
7 time to any person for private use and consumption if the
8 licensee files an affidavit with the commission that there is
9 not a class 4 retail dealers licensee available to sell the
10 wholesalers brand of draught beer. Under the license, no liquor
11 shall be consumed on the premises except as authorized by the
12 commission. Of this class, there shall be the following kinds:

- 13 (1) General (includes all liquors except alcohol);
- 14 (2) Beer and wine; and
- 15 (3) Alcohol.

16 If any wholesale dealer solicits or takes any orders in any
17 county other than that where the dealer's place of business is
18 located, the orders may be filled only by shipment direct from
19 the county in which the wholesale dealer has the dealer's
20 license. Nothing in this subsection shall prevent a wholesaler
21 from selling liquors to post exchanges, ships service stores,
22 army or navy officers' clubs, or similar organizations located



1 on army or navy reservations, or to any vessel other than
 2 vessels performing a regular water transportation service
 3 between any two or more ports in the [~~State,~~] state, or to
 4 aviation companies [~~who~~] that operate an aerial transportation
 5 enterprise as a common carrier, under chapter 269, engaged in
 6 regular flight passenger services between any two or more
 7 airports in the [~~State~~] state for use on aircraft, or aviation
 8 companies engaged in transpacific flight operations for use on
 9 aircraft outside the jurisdiction of the State.

10 (e) Class 4. Retail [~~dealers' licenses.~~] dealer's
 11 license. A license to sell liquors at retail or to class 10
 12 licenses shall authorize the licensee to sell the liquors
 13 therein specified in their original packages. Under the
 14 license, no liquor shall be consumed on the premises except as
 15 authorized by the commission. Of this class, there shall be the
 16 following kinds:

- 17 (1) General (includes all liquors except alcohol);
- 18 (2) Beer and wine; and
- 19 (3) Alcohol.

20 (f) Class 5. [~~Dispensers' licenses.~~] Dispenser's license.

21 (1) A license under this class shall authorize the
 22 licensee to sell liquors specified in this subsection



1 for consumption on the premises. A licensee under
2 this class shall be issued a license according to the
3 category of establishment the licensee owns or
4 operates. The categories of establishments shall be
5 as follows:

- 6 (A) A standard bar;
- 7 (B) [~~A premise~~] Premises in which a person performs or
8 entertains unclothed or in attire restricted to
9 use by entertainers pursuant to commission rules;
- 10 (C) [~~A premise~~] Premises in which live entertainment
11 or recorded music is provided; provided that
12 facilities for dancing by the patrons may be
13 permitted as provided by commission rules; or
- 14 (D) [~~A premise~~] Premises in which employees or
15 entertainers are compensated to sit with patrons,
16 regardless of whether the employees or
17 entertainers are consuming nonalcoholic beverages
18 while in the company of the patrons pursuant to
19 commission rules.

- 20 (2) If a licensee under class 5 desires to change the
21 category of establishment the licensee owns or
22 operates, the licensee shall apply for a new license



1 applicable to the category of the licensee's
2 establishment.

3 (3) For each category of class 5 licenses, there shall be
4 the following kinds:

5 (A) General (includes all liquors except alcohol);

6 (B) Beer and wine; and

7 (C) Beer.

8 (g) Class 6. Club [~~licenses~~] license. A club license
9 shall be general only (but excluding alcohol) and shall
10 authorize the licensee to sell liquors to members of the club
11 and to guests of the club enjoying the privileges of membership,
12 for consumption only on the premises kept and operated by the
13 club; provided that the license shall also authorize any club
14 member to keep in the member's private locker on the premises a
15 reasonable quantity of liquor, if owned by the member, for the
16 member's own personal use and not to be sold and that may be
17 consumed only on the premises.

18 (h) Class 7. Vessel [~~licenses~~] license. A general
19 license may be granted to the owner of any vessel performing a
20 regular water transportation passenger service between any two
21 or more ports in the [~~State~~] state for the sale of liquor (other
22 than alcohol) on board the vessel while in the waters of the



1 ~~[State,]~~ state; provided the sales are made only while the
 2 vessel is en route and only for consumption by passengers on
 3 board. If the vessel has a home port in the ~~[State,]~~ state, the
 4 license shall be issuable in the county in which the home port
 5 is situated; provided that if the licensee's home port is not
 6 situated in this ~~[State,]~~ state, the license shall be issuable
 7 in the city and county of Honolulu. If, on any vessel for which
 8 no license has been obtained under this chapter, any liquor is
 9 sold or served within three miles of the shore of any island of
 10 the ~~[State,]~~ state, it shall constitute a violation of this
 11 chapter.

12 (i) Class 8. Transient vessel ~~[licenses,]~~ license. A
 13 general license may be granted to the owner of any vessel that
 14 does not fall within class 7 for the sale of liquor (other than
 15 alcohol) on board the vessel while in any port of the ~~[State,]~~
 16 state. Sales shall be made only for consumption by passengers
 17 and their guests on board the vessel. The license shall be
 18 issuable in each county where the sales are to be made; provided
 19 that the application for the license may be made by any agent
 20 representing the owner.

21 (j) Class 9. Tour or cruise vessel ~~[licenses,]~~ license.
 22 A general license may be granted to the owner of any tour or

1 cruise vessel for the sale of liquor (other than alcohol) on
2 board the vessel while in the waters of the [~~State,~~] state;
3 provided that sales be made only for consumption by passengers
4 on board while the vessel is in operation outside the port or
5 dock of any island of the [~~State,~~] state, unless otherwise
6 approved by the county where the license has been issued. If
7 the vessel has a home port in the [~~State,~~] state, the license
8 shall be issuable in the county wherein the home port is
9 situated; provided that if the licensee's home port is not
10 situated in this [~~State,~~] state, the license shall be issuable
11 in the city and county of Honolulu. If, on any vessel for which
12 no license has been obtained under this chapter, any liquor is
13 sold or served within three miles of the shore of any island of
14 the [~~State,~~] state, it shall constitute a violation of this
15 chapter.

16 (k) Class 10. [~~Special,~~] Special license. A special
17 license may be granted for the sale of liquor for a period not
18 to exceed three days on any occasion and under any conditions as
19 may be approved by the commission. Of this class, there shall
20 be the following kinds:

- 21 (1) General (includes all liquors except alcohol);
22 (2) Beer and wine; and



1 (3) Beer.

2 Under this license, the liquors therein specified shall be
3 consumed on the premises.

4 (1) Class 11. Cabaret license. A cabaret license shall
5 be general only (but excluding alcohol) and shall authorize the
6 sale of liquors for consumption on the premises. This license
7 shall be issued only for premises where food is served,
8 facilities for dancing by the patrons are provided, including a
9 dance floor, and live or amplified recorded music or
10 professional entertainment, except professional entertainment by
11 a person who performs or entertains unclothed, is provided for
12 the patrons; provided that professional entertainment by persons
13 who perform or entertain unclothed shall be authorized by:

14 (1) A cabaret license for [~~a premise~~] premises where
15 professional entertainment by persons who perform or
16 entertain unclothed was presented on a regular and
17 consistent basis immediately prior to June 15, 1990;
18 or

19 (2) A cabaret license that, pursuant to rules adopted by
20 the liquor commission, permits professional
21 entertainment by persons who perform or entertain
22 unclothed.



1 A cabaret license under paragraph (1) or (2) authorizing
2 professional entertainment by persons who perform or entertain
3 unclothed shall be transferable through June 30, 2000. A
4 cabaret license under paragraph (1) or (2) authorizing
5 professional entertainment by persons who perform or entertain
6 unclothed shall not be transferable after June 30, 2000, except
7 when the transferee obtains approval from the liquor commission,
8 and pursuant to rules adopted by the commission.

9 Notwithstanding any rule of the liquor commission to the
10 contrary, cabarets in resort areas may be opened for the
11 transaction of business until 4 a.m. throughout the entire week.

12 (m) Class 12. Hotel [~~licenses-~~] license. A license to
13 sell liquor in a hotel shall authorize the licensee to provide
14 entertainment and dancing on the hotel premises and to sell all
15 liquors, except alcohol, for consumption on the premises;
16 provided that a hotel licensee, with commission approval, may
17 provide off-premises catering; provided further that the
18 catering activity is directly related to the licensee's
19 operation as a hotel.

20 Procedures such as room service, self-service (no-host),
21 minibars, or similar service in guest rooms, and service at



1 private parties in areas that are the property of and contiguous
2 to the hotel, are permitted with commission approval.

3 Any licensee who would otherwise fall within the hotel
4 license class but holds a different class of license may be
5 required to apply for a hotel license.

6 If the licensee applies for a change of classification
7 prior to July 30, 1992, the licensee shall not be subject to the
8 requirements of sections 281-52, 281-54, and 281-57 through 281-
9 59.

10 (n) Class 13. [~~Caterer~~] Caterer's license. A general
11 license may be granted to any licensee who serves food as part
12 of their operation for the sale of liquor (other than alcohol)
13 while performing food catering functions.

14 No catering service for the sale of liquor shall be
15 performed off the licensee's premises, unless prior written
16 notice of the service has been delivered to the office of the
17 liquor commission of the county concerned. The notice shall
18 state the date, time, and location of the proposed event and
19 shall include a written statement signed by the owner or
20 representative of the property that the function will be subject
21 to the liquor laws and to inspection by investigators.



1 (o) Class 14. Brewpub [~~licenses-~~] license. A brewpub
2 licensee:

3 (1) Shall manufacture not more than ten thousand barrels
4 of malt beverages on the licensee's premises during
5 the license year;

6 (2) May sell malt beverages manufactured on the licensee's
7 premises for consumption on the premises;

8 (3) May sell malt beverages manufactured by the licensee
9 in brewery-sealed packages to class 3, wholesale
10 dealer licensees pursuant to conditions imposed by
11 county planning and public works departments;

12 (4) May sell intoxicating liquor, purchased from a class
13 1, manufacturer licensee, or a class 3, wholesale
14 dealer's licensee, to consumers for consumption on the
15 licensee's premises; provided that the premises is
16 owned and operated by the licensee. The categories of
17 establishments shall be as follows:

18 (A) A standard bar; or

19 (B) Premises in which live entertainment or recorded
20 music is provided. Facilities for dancing by the
21 patrons may be permitted as provided by
22 commission rules;



- 1 (5) May sell malt beverages manufactured on the licensee's
2 premises to consumers in brewery-sealed kegs and
3 growlers for off-premises consumption; provided that
4 for purposes of this paragraph, "growler" means a
5 glass container, not to exceed one half-gallon, [~~that~~]
6 which may be securely sealed;
- 7 (6) May sell malt beverages manufactured on the licensee's
8 premises to consumers, in recyclable containers that
9 may be provided by the licensee or by the consumer,
10 not to exceed one gallon per container, [~~that~~] which
11 are securely sealed on the licensee's premises, for
12 off-premises consumption;
- 13 (7) Shall comply with all regulations pertaining to class
14 4 retail licensees when engaging in the retail sale of
15 malt beverages;
- 16 (8) May sell malt beverages manufactured on the licensee's
17 premises in brewery-sealed containers directly to
18 class 2 restaurant licensees, class 3 wholesale dealer
19 licensees, class 4 retail dealer licensees, class 5
20 dispensers' licensees, class 6 club licensees, class
21 7, 8, and 9 vessel licensees, transient vessel
22 licensees, tour or cruise vessel licensees, class 10



1 special licensees, class 11 cabaret licensees, class
 2 12 hotel licensees, [~~and~~] class 13 caterer licensees,
 3 and class 15 condominium hotel licensees, pursuant to
 4 conditions imposed by county planning and public works
 5 departments and regulations governing class 3
 6 wholesale dealers licensees; and

7 (9) May conduct the activities described in paragraphs (1)
 8 through (8) at one location other than the licensee's
 9 premises; provided that the manufacturing takes place
 10 in Hawaii; and provided further the other location is
 11 properly licensed by the same ownership.

12 (p) Class 15. Condominium hotel license. A license to
 13 sell liquor in a condominium hotel shall authorize the licensee
 14 to provide entertainment and dancing on the condominium hotel
 15 premises and to sell all liquors, except alcohol, for
 16 consumption on the premises; provided that a condominium hotel
 17 licensee with commission approval may provide off-premises
 18 catering; provided further that the catering activity is
 19 directly related to the licensee's operation as a condominium
 20 hotel.

21 Procedures such as room service, self-service (no-host),
 22 minibars, or similar service in apartments and service at



1 private parties in areas that are the property of and contiguous
2 to the condominium hotel are permitted with commission approval.

3 [~~p~~] (q) It shall be unlawful for any retail licensee,
4 except a class 10 licensee, to purchase, acquire, or sell liquor
5 from any person other than a wholesaler licensed pursuant to
6 this chapter, except as otherwise provided in this section.

7 [~~q~~] (r) Any provision to the contrary notwithstanding,
8 at the discretion of the county liquor commission, permission
9 may be granted to a bona fide hotel, restaurant, or club
10 licensed under class 2, class 6, class 11, class 12, [~~or~~] class
11 14, or class 15 to allow a patron to remove from the licensed
12 premises any portion of wine that was purchased for consumption
13 with a meal; provided that it is recorked or resealed in its
14 original container. This subsection applies only to a valid
15 holder of a class 2, class 6, class 11, class 12, [~~or~~] class 14,
16 or class 15 license engaged in meal service.

17 [~~r~~] (s) Sections 281-57 to 281-61 shall not apply to
18 classes 7 [~~through~~] to 10 and 13."

19 SECTION 4. Section 281-39, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§281-39 Place of business; exception; solicitors' and**
22 **representatives' permits.** A license issued under this chapter



1 shall authorize the doing of the business licensed only at the
2 place described in the license, which shall be known as the
3 licensed premises, except in case of a removal with the prior
4 written consent of the liquor commission indorsed on the
5 license, or outside warehousing which may be located off the
6 licensed premises with prior written consent of the liquor
7 commission~~[.—No]~~; and provided that the units that are used for
8 transient lodging under a class 15 license may change from time
9 to time if the condominium hotel operator submits quarterly to
10 the commission, a list of all units being used as part of the
11 condominium hotel and maintains a list of units currently being
12 used pursuant to section 281- (2).

13 Except as provided in this section, no change of premises
14 under any issued license shall be allowed unless the doing of
15 business on the new premises is authorized in the same manner as
16 provided by this chapter for approval of any original premises;
17 provided that the holder of any manufacturer's license or a
18 wholesale dealer's license issued by the commission of any
19 county may, through authorized solicitors or representatives,
20 solicit and take orders for direct shipment for liquor in
21 permitted quantities in any other county.



1 Any person desiring to act as the authorized solicitor or
2 representative of a manufacturer or wholesale dealer in any
3 county shall make application to the commission of such county
4 in which the person proposes to act for a permit to act as such.

5 The application shall state the name of the applicant, the
6 applicant's age, residence, and place of business, the name and
7 address of the manufacturer or wholesale dealer the applicant
8 represents and shall be accompanied by a statement from the
9 manufacturer or wholesale dealer to the effect that the
10 applicant has been appointed as its solicitor or representative.

11 All sales and all orders taken for liquor by any such solicitor
12 or representative shall be subject to the rules and regulations
13 of the commission for the county within which the sales are made
14 or orders taken.

15 No such solicitor or representative shall be permitted to
16 have, own, or control any liquor for sale."

17 SECTION 5. Section 281-39.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The liquor commission or agency of each county may
20 deny or restrict the issuance of a liquor license for on-site
21 sale and consumption by the drink to any applicant whose
22 establishment is or would be located within five hundred feet of



1 a public or private elementary, intermediate, or high school, or
2 public playground [~~utilized~~] used extensively by minors, as
3 determined by the liquor commission of each county; provided
4 that the liquor commission or agency of each county shall deny
5 the issuance of a liquor license if forty per cent of [~~the~~]

6 (1) Registered voters for the area within five hundred
7 feet of the nearest point of the premises for which
8 the license is asked; or

9 (2) Owners and lessees of record of real estate and owners
10 of record of shares in a cooperative apartment within
11 five hundred feet of the nearest point of the premises
12 for which the license is asked;

13 have duly filed or caused to be filed their protests against
14 granting the license. The distance of five hundred feet shall
15 be measured from the boundary of the school or public playground
16 to the boundary of the applicant's premises. Public or private
17 beaches, and public or private day care centers located in or
18 adjacent to commercial areas shall not be deemed schools or
19 public playgrounds for purposes of this section. The provisions
20 of this section shall not apply to establishments located within
21 areas designated by the appropriate counties for resort



1 purposes, or to hotel or condominium hotel liquor license
2 applicants."

3 SECTION 6. Section 281-57, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Immediately upon the commission's fixing a day for
6 the public hearing of the application, the applicant shall mail
7 a notice setting forth the time and place of the hearing on the
8 application to each of the following:

- 9 (1) Not less than two-thirds of the owners and lessees of
- 10 record of real estate and owners of record of shares
- 11 in a cooperative apartment or to those individuals on
- 12 the list of owners as provided by the managing agent
- 13 or governing body of the shareholders association
- 14 situated within a distance of five hundred feet from
- 15 the nearest point of the premises for which the
- 16 license is asked to the nearest point of such real
- 17 estate or cooperative apartment; provided that in
- 18 meeting this requirement, the applicant shall mail a
- 19 notice to not less than three-fourths of the owners
- 20 and lessees of record of real estate and owners of
- 21 record of shares in a cooperative apartment situated
- 22 within a distance of one hundred feet from the nearest



1 point of the premises for which the license is asked.
2 Notice by mail may be addressed to the last known
3 address of the person concerned or to the address as
4 shown in the last tax return filed by the person or
5 the person's agent or representative;

6 (2) In counties with a population of two [~~hundred fifty~~]
7 hundred fifty thousand or more, not less than two-
8 thirds of the registered voters residing within, and
9 small businesses situated within, a distance of five
10 hundred feet from the nearest point of the premises
11 for which the license is asked; provided that in
12 meeting this requirement, the applicant shall mail
13 notices to not less than three-fourths of the
14 registered voters residing within, and small
15 businesses situated within, a distance of one hundred
16 feet from the nearest point of the premises for which
17 the license is asked. This paragraph shall not apply
18 to any applicant that is a hotel as defined in section
19 486K-1, a condominium hotel, a restaurant, or a
20 convenience store. A notice sent pursuant to this
21 paragraph shall be addressed to the "occupant" of the
22 residential unit or small business; and



1 (3) For each condominium project and cooperative apartment
2 within the five hundred-foot area, one notice of the
3 hearing shall be sent by mail addressed "To the
4 Residents, Care of the Manager", followed by the name
5 and address of the condominium or cooperative
6 apartment involved.

7 The notices required under this subsection shall be mailed at
8 least forty-five days prior to the date set for the hearing. No
9 promotional information shall be allowed on, or accompany the
10 notice. Before the hearing, and within seven days of having
11 mailed the notices, the applicant shall file with the commission
12 an affidavit that the notices have been mailed in compliance
13 with this subsection. In addition to the affidavit (which shall
14 be made available within the same seven-day period with proof of
15 having mailed the notices), the applicant shall include both a
16 master list of one hundred per cent of addressees and addresses
17 required by paragraphs (1), (2), and (3), and another mailing
18 list consisting of the portion of addressees and their
19 respective addresses who were mailed the notice purposely needed
20 to meet the requirements of paragraphs (1), (2), and (3). The
21 affidavit, master list, and mailing list shall be made available
22 within seven days (of the mailing of the notice by the



1 applicant) by the commission for public review upon request.

2 For purposes of this section, "master list" means every
3 owner and lessee who would otherwise be required to receive
4 notice of the public hearing according to the requirement of
5 paragraphs (1), (2), and (3), even if they were not actually
6 included in the two-third or three-fourths requirement (as the
7 case may be) of paragraph (1) or (2), and every condominium
8 project and cooperative apartment qualifying in paragraph (3).
9 The commission shall cancel the hearing if not receiving the
10 affidavit prior to the hearing or if discovering that the
11 affidavit is false."

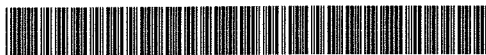
12 SECTION 7. Any licensee holding a class 12 license on the
13 effective date of this Act and who would otherwise come within
14 this class of license may apply to the commission for a change
15 in class to a class 15 license; provided that the licensee shall
16 not be subject to the requirements of sections 281-54 and
17 sections 281-57 through 281-59. If a licensee holding a class
18 12 license on the effective date of this Act applies for a
19 change in class to a class 15 license, the commission shall hold
20 a public hearing upon notice, and upon the day of hearing, or
21 any adjournment thereof, the liquor commission shall consider
22 the application, accept all written or oral testimony for or



1 against the application, and give its decision granting or
2 refusing the application. If the application is denied, the
3 class 12 license shall continue in full force and effect.

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Liquor Licenses

Description:

Establishes a condominium hotel class of liquor license. Allows holders of a hotel class liquor license to convert to a condominium hotel license subject to a public hearing. (SB1249 HD1)

