
A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

- 1 SECTION 1. Section 281-17, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
- 3 "(a) The liquor commission, within its own county, shall
4 have the sole jurisdiction, power, authority, and discretion,
5 subject only to this chapter:
- 6 (1) To grant, refuse, suspend, and revoke any licenses for
7 the manufacture, importation, and sale of liquors;
- 8 (2) To take appropriate action against a person who,
9 directly or indirectly, manufactures, sells, or
10 purchases any liquor without being authorized pursuant
11 to this chapter; provided that in counties which have
12 established by charter a liquor control adjudication
13 board, the board shall have the jurisdiction, power,
14 authority, and discretion to hear and determine
15 administrative complaints of the director regarding
16 violations of the liquor laws of the State or of the
17 rules of the liquor commission, and impose penalties
18 for violations thereof as may be provided by law;



1 (3) To control, supervise, and regulate the manufacture,
2 importation, and sale of liquors by investigation,
3 enforcement, and education; provided that any
4 educational program shall be limited to licensees and
5 their employees and shall be financed through the
6 money collected from the assessment of fines against
7 licensees;

8 (4) From time to time to make, amend, and repeal such
9 rules, not inconsistent with this chapter, as in the
10 judgment of the commission seem appropriate for
11 carrying out this chapter and for the efficient
12 administration thereof, and the proper conduct of the
13 business of all licensees, including every matter or
14 thing required to be done or which may be done with
15 the approval or consent or by order or under the
16 direction or supervision of or as prescribed by the
17 commission; which rules, when adopted as provided in
18 chapter 91 shall have the force and effect of law;

19 (5) Subject to chapter 76, to appoint and remove an
20 administrator, who may also be appointed an
21 investigator and who shall be responsible for the
22 operations and activities of the staff. The



1 administrator may hire and remove hearing officers,
2 investigators, and clerical or other assistants as its
3 business may from time to time require, to prescribe
4 their duties, and fix their compensation; to engage
5 the services of experts and persons engaged in the
6 practice of a profession, if deemed expedient. Every
7 investigator, within the scope of the investigator's
8 duties, shall have the powers of a police officer;

9 (6) To limit the number of licenses of any class or kind
10 within the county, or the number of licenses of any
11 class or kind to do business in any given locality,
12 when in the judgment of the commission such
13 limitations are in the public interest;

14 (7) To prescribe the nature of the proof to be furnished,
15 the notices to be given, and the conditions to be met
16 or observed in case of the issuance of a duplicate
17 license in place of one alleged to have been lost or
18 destroyed, including a requirement of any indemnity
19 deemed appropriate to the case;

20 (8) To fix the hours between which licensed premises of
21 any class or classes may regularly be open for the
22 transaction of business, which shall be uniform



1 throughout the county as to each class
2 respectively[+], except as provided in section 281-
3 31(k);

4 (9) To prescribe all forms to be used for the purposes of
5 this chapter not otherwise provided for in this
6 chapter, and the character and manner of keeping of
7 books, records, and accounts to be kept by licensees
8 in any matter pertaining to their business;

9 (10) To investigate violations of this chapter, chapter
10 244D and, notwithstanding any law to the contrary,
11 violations of the applicable department of health's
12 allowable noise levels, through its investigators or
13 otherwise, to include covert operations, and to report
14 violations to the prosecuting officer for prosecution
15 and, where appropriate, the director of taxation to
16 hear and determine complaints against any licensee;

17 (11) To prescribe, by rule, the terms, conditions, and
18 circumstances under which persons or any class of
19 persons may be employed by holders of licenses;

20 (12) To prescribe, by rule, the term of any license or
21 solicitor's and representative's permit authorized by
22 this chapter, the annual or prorated amount, the



1 manner of payment of fees for the licenses and
2 permits, and the amount of filing fees; and
3 (13) To prescribe, by rule, the circumstances and penalty
4 for the unauthorized manufacturing or selling of any
5 liquor."

6 SECTION 2. Section 281-31, Hawaii Revised Statutes, is
7 amended by amending subsection (k) to read as follows:

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

18 (1) A cabaret license for premises where professional
19 entertainment by persons who perform or entertain
20 unclothed was presented on a regular and consistent
21 basis immediately prior to June 15, 1990; or



1 (2) A cabaret license that, pursuant to rules adopted by
2 the liquor commission, permits professional
3 entertainment by persons who perform or entertain
4 unclothed.

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

13 Notwithstanding any rule of the liquor commission to the
14 contrary, cabarets in resort areas may be opened for the
15 transaction of business until 4 a.m. throughout the entire
16 week[-]; provided that cabarets in Waikiki may be opened for the
17 transaction of business until 2 a.m. For purposes of this
18 subsection, "Waikiki" means that area of Oahu bounded by the Ala
19 Wai canal, the ocean, and Kapahulu avenue."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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Report Title:

Liquor Licenses; Cabarets; Business hours

Description:

Authorizes cabaret licensees in Waikiki to open for business to 2 a.m.

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

