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## 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 the commission  
5                   staff, commissioners, liquor control adjudication  
6                   board members, licensees and their employees and shall  
7                   be financed through the money collected from the  
8                   assessment of fines against licensees; provided that  
9                   fine moneys, not to exceed ten per cent a year of  
10                  fines accumulated, may be used to fund public liquor  
11                  related educational or enforcement programs;

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



- 1           (5) Subject to chapter 76, to appoint and remove an  
2           administrator, who may also be appointed an  
3           investigator and who shall be responsible for the  
4           operations and activities of the staff. The  
5           administrator may hire and remove hearing officers,  
6           investigators, and clerical or other assistants as its  
7           business may from time to time require, to prescribe  
8           their duties, and fix their compensation; to engage  
9           the services of experts and persons engaged in the  
10          practice of a profession, if deemed expedient. Every  
11          investigator, within the scope of the investigator's  
12          duties, shall have the powers of a police officer;
- 13          (6) To limit the number of licenses of any class or kind  
14          within the county, or the number of licenses of any  
15          class or kind to do business in any given locality,  
16          when in the judgment of the commission such  
17          limitations are in the public interest;
- 18          (7) To prescribe the nature of the proof to be furnished,  
19          the notices to be given, and the conditions to be met  
20          or observed in case of the issuance of a duplicate  
21          license in place of one alleged to have been lost or



1 destroyed, including a requirement of any indemnity  
2 deemed appropriate to the case;

3 (8) To fix the hours between which licensed premises of  
4 any class or classes may regularly be open for the  
5 transaction of business, which shall be uniform  
6 throughout the county as to each class  
7 respectively[7], except as provided in section 281-  
8 31(k);

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

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



- 1           (11) To prescribe, by rule, the terms, conditions, and  
2                   circumstances under which persons or any class of  
3                   persons may be employed by holders of licenses;  
4           (12) To prescribe, by rule, the term of any license or  
5                   solicitor's and representative's permit authorized by  
6                   this chapter, the annual or prorated amount, the  
7                   manner of payment of fees for the licenses and  
8                   permits, and the amount of filing fees; and  
9           (13) To prescribe, by rule, the circumstances and penalty  
10                   for the unauthorized manufacturing or selling of any  
11                   liquor."

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

14           "(k) Class 11. Cabaret license. A cabaret license shall  
15 be general only (but excluding alcohol) and shall authorize the  
16 sale of liquor for consumption on the premises. This license  
17 shall be issued only for premises where food is served,  
18 facilities for dancing by the patrons are provided, including a  
19 dance floor, and live or amplified recorded music or  
20 professional entertainment, except professional entertainment by  
21 a person who performs or entertains unclothed, is provided for



1 the patrons; provided that professional entertainment by persons  
2 who perform or entertain unclothed shall be authorized by:

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

7 (2) A cabaret license that, pursuant to rules adopted by  
8 the liquor commission, permits professional  
9 entertainment by persons who perform or entertain  
10 unclothed.

11 A cabaret license under paragraph (1) or (2) authorizing  
12 professional entertainment by persons who perform or entertain  
13 unclothed shall be transferable through June 30, 2000. A  
14 cabaret license under paragraph (1) or (2) authorizing  
15 professional entertainment by persons who perform or entertain  
16 unclothed shall not be transferable after June 30, 2000, except  
17 when the transferee obtains approval from the liquor commission,  
18 and pursuant to rules adopted by the commission.

19 Notwithstanding any rule of the liquor commission to the  
20 contrary, cabarets in resort areas may be opened for the  
21 transaction of business until 4 a.m. throughout the entire  
22 week[-]; provided that cabarets located in Waikiki and that do



1 not also fall within the hotel license class under subsection  
 2 (1) may be opened for the transaction of business until 2 a.m.  
 3 For the purposes of this subsection, "Waikiki" means that area  
 4 of Oahu bounded by the Ala Wai canal, the ocean, and Kapahulu  
 5 avenue."

6 SECTION 3. Statutory material to be repealed is bracketed  
 7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

Tom Browne

Mark Takashima

John Lichstein

*Hawaii*

Franklin

Mikaela Mayroy

John M. Lyons

Denny Lipp

Lyle B. Berg

Ray Washburn

John

Frank



**Report Title:**

Liquor Licenses; Cabarets; Business hours

**Description:**

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

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