
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. The legislature finds that the "Use and Lose"
2 law, Act 203, Hawaii Session Laws of 2006, has been an effective
3 tool in curbing teenage drinking because it mandated driver's
4 license suspensions for minors caught violating the liquor laws.
5 The "Use and Lose" law, however, does not have the same
6 deterrent effect on those minors who do not have driver's
7 licenses or a desire to drive.

8 The legislature further finds that license suspensions
9 sometime present significant hardships to violators and their
10 families in communities that have few or no modes of public
11 transportation.

12 Moreover, programming in underage drinking awareness is an
13 additional, yet non-punitive approach that could educate teens
14 about the dangers of alcohol abuse. Such programs may influence
15 teenagers to make responsible decisions about alcohol use based
16 upon effective presentations of compelling facts and a rational
17 desire to be safe and healthy.



1 The purposes of this Act are to:

2 (1) Promote youth awareness of alcohol abuse;

3 (2) Encourage the enforcement of the liquor laws by
4 directing fifty per cent of the revenue generated from
5 optional fines towards county anti-underage drinking
6 programs; and

7 (3) Authorize courts to order additional fines and
8 increase the number of hours of community service
9 required of minors who violate the liquor laws.

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

12 "**§281-101.5 Prohibitions involving minors; penalty.** (a)

13 Any adult who provides or purchases liquor for consumption or
14 use by a person under twenty-one years of age shall be guilty of
15 the offense under section 712-1250.5.

16 (b) No minor shall consume or purchase liquor and no minor
17 shall consume or have liquor in the minor's possession or
18 custody in any public place, public gathering, or public
19 amusement, at any public beach or public park, or in any motor
20 vehicle on a public highway; provided that notwithstanding any
21 other law to the contrary, this subsection shall not apply to:



- 1 (1) Possession or custody of liquor by a minor in the
2 course of delivery, pursuant to the direction of the
3 minor's employer lawfully engaged in business
4 necessitating the delivery;
- 5 (2) Possession, custody, or consumption of liquor by a
6 minor in connection with the minor's authorized
7 participation in religious ceremonies requiring such
8 possession, custody, or consumption; or
- 9 (3) Any person between the ages of eighteen and twenty,
10 who is participating in a controlled purchase as part
11 of a law enforcement activity or a study authorized by
12 the department of health to determine the level of
13 incidence of liquor sales to minors.
- 14 (c) No minor shall falsify any identification or use any
15 false identification or identification of another person or of a
16 fictitious person for the purpose of buying or attempting to buy
17 liquor ~~[or]~~, for the purpose of obtaining employment to sell or
18 serve liquor on licensed premises ~~[or]~~, or for the purpose of
19 gaining entry to the premises of a licensee that excludes minors
20 or admits only a person who produces identification to prove the
21 person is twenty-one years of age or older.



1 (d) Any person under eighteen who violates this section
2 shall be subject to the jurisdiction of the family court. Any
3 person age eighteen to twenty-one who violates subsection (b) or
4 (c) shall be guilty of a petty misdemeanor. The court shall
5 order that any person under twenty-one years of age found to be
6 in violation of this section shall have, in addition to any
7 other disposition or sentencing provision permitted by law, the
8 person's license to operate a motor vehicle, or the person's
9 ability to obtain a license to operate a motor vehicle,
10 suspended as follows:

11 (1) For licensed drivers, the driver's license shall be
12 suspended for not less than one hundred and eighty
13 days with exceptions to allow, at the discretion of
14 the sentencing court, driving to and from school,
15 school-sponsored activities, ~~and~~ employment~~[-]~~, or
16 for other reasons when lack of alternative
17 transportation presents an undue hardship;

18 (2) For persons with a provisional license, the
19 provisional license shall be suspended for not less
20 than one hundred and eighty days with exceptions to
21 allow, at the discretion of the sentencing court,
22 driving to and from school, school-sponsored



1 activities, [~~and~~] employment[~~+~~], or for other reasons
2 when lack of alternative transportation presents an
3 undue hardship;

4 (3) For persons with an instruction permit, the
5 instruction permit shall be suspended for not less
6 than one hundred and eighty days with exceptions to
7 allow, at the discretion of the sentencing court,
8 driving to and from school, school-sponsored
9 activities, [~~and~~] employment[~~+~~~~or~~], or for other
10 reasons when lack of alternative transportation
11 presents an undue hardship; or

12 (4) For persons not licensed to drive, eligibility to
13 obtain a driver's license, provisional license, or
14 instruction permit shall be suspended until the age of
15 seventeen or for one hundred and eighty days, at the
16 discretion of the court; and

17 (5) Chapter 571 notwithstanding, in any case where a
18 person under the age of eighteen violates this
19 section, the family court judge may suspend the
20 driver's license, provisional license, or instruction
21 permit, or suspend the eligibility to obtain a



1 driver's license, provisional license, or instruction
2 permit in accordance with this section;
3 provided that the requirement to provide proof of financial
4 responsibility pursuant to section 287-20 shall not be based
5 upon a sentence imposed under paragraphs (1) and (2). In
6 addition, all persons whether or not licensed, found to be in
7 violation of this section shall be sentenced to at least
8 seventy-five hours of community service work, and an eight to
9 twelve hour program of alcohol education and counseling the
10 costs of which shall be borne by the offender or the offender's
11 parent or guardian.

12 (e) In addition to any other penalties authorized by law,
13 any minor who violates subsection (b) or (c) may be fined as
14 follows:

- 15 (1) For a first violation, by a fine of not less than \$100
16 and not more than \$250;
- 17 (2) For a violation that occurs within three years of a
18 prior violation under subsection (b) or (c), by a fine
19 of not less than \$250 and not more than \$500; and
- 20 (3) For a violation that occurs within three years of two
21 or more prior violations under subsection (b) or (c),



1 by a fine of not less than \$500 and not more than
2 \$1,000.

3 The director of finance shall distribute fifty per cent of
4 the revenues from the fines imposed under this subsection to the
5 county in which the violation occurred. The funds shall be used
6 for anti-underage drinking programs or underage drinking law
7 enforcement programs.

8 [~~(e)~~] (f) As used in this section, "consume" or
9 "consumption" includes the ingestion of liquor."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2010.



Report Title:

Intoxicating Liquor; Minors

Description:

Prohibits use by minors of false identification to purchase liquor. Establishes fines and other penalties. Designates 50% of revenues from fines to county programs for underage drinking awareness and prevention. (HB2905 HD1)

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

