
A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

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 respectively;
- 7 (9) To prescribe all forms to be used for the purposes of
8 this chapter not otherwise provided for in this
9 chapter, and the character and manner of keeping of
10 books, records, and accounts to be kept by licensees
11 in any matter pertaining to their business;
- 12 (10) To investigate violations of this chapter, chapter
13 244D and, notwithstanding any law to the contrary,
14 violations of the applicable department of health's
15 allowable noise levels, through its investigators or
16 otherwise, to include covert operations, and to report
17 violations to the prosecuting officer for prosecution
18 and, where appropriate, the director of taxation to
19 hear and determine complaints against any licensee;
- 20 (11) To prescribe, by rule, the terms, conditions, and
21 circumstances under which persons or any class of
22 persons may be employed by holders of licenses;



1 (12) To prescribe, by rule, the term of any license or
2 solicitor's and representative's permit authorized by
3 this chapter, the annual or prorated amount, the
4 manner of payment of fees for the licenses and
5 permits, and the amount of filing fees; [and]

6 (13) To prescribe, by rule, limitations on licensed
7 premises regarding the expression and conduct of
8 patrons therein; provided that the rules shall comply
9 with constitutional provisions regarding government
10 regulation of expression as though the rule was being
11 directly enforced against patrons; and

12 [~~(13)~~] (14) To prescribe, by rule, the circumstances and
13 penalty for the unauthorized manufacturing or selling
14 of any liquor."

15 SECTION 2. By not later than July 1, 2011, each county
16 liquor commission shall adopt or amend rules regarding the
17 expression or conduct of patrons in premises licensed to sell
18 liquor for consumption thereon. The rules of each county liquor
19 commission shall include a definition of the term "dancing."

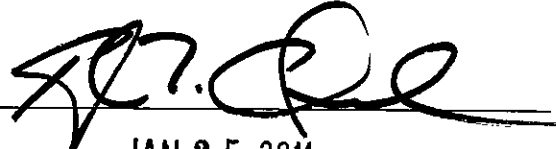
20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:


JAN 25 2011



Report Title:

Liquor Commissions; Rules; Dancing

Description:

Requires county liquor commissions to adopt or amend rules regarding conduct of patrons and to define the term "dancing."

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

