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# 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 would 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 purpose of this Act is 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:



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- 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 ~~[€]~~, for the purpose of obtaining employment to sell or  
18          serve liquor on licensed premises~~[-]~~, 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 age eighteen who violates this  
2 section shall be subject to the jurisdiction of the family  
3 court. Any person age eighteen [~~to~~] but under twenty-one years  
4 of age who violates subsection (b) or (c) shall be guilty of a  
5 petty misdemeanor. The court shall order that any person under  
6 twenty-one years of age found to be in violation of this section  
7 shall have, in addition to any other disposition or sentencing  
8 provision permitted by law, the person's license to operate a  
9 motor vehicle, or the person's ability to obtain a license to  
10 operate a motor vehicle, 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),





**Report Title:**

Intoxicating Liquor; Minors

**Description:**

Prohibits use by minors of false identification to purchase liquor. Establishes fines and other penalties. Designates fifty per cent of revenues from fines to county programs for underage drinking awareness and prevention.

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

