
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, Session Laws of Hawaii 2006, has been an effective
3 tool in curbing teenage drinking because it mandates 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 Programs promoting underage drinking awareness represent an
9 additional approach that can educate teens about the dangers of
10 alcohol abuse. Such programs may influence teenagers to make
11 responsible decisions about alcohol use based upon effective
12 presentations of compelling facts and a rational desire to be
13 safe and healthy.

14 The purpose of this Act is to help prevent and deter
15 underage drinking by:

16 (1) Establishing a schedule of fines to be assessed
17 against minors for violations of liquor laws, and
18 directing fifty per cent of the revenue generated from



1 the fines toward county anti-underage drinking
2 programs and underage drinking law enforcement
3 programs; and

4 (2) Prohibiting minors from using false identification to
5 enter the premises of establishments with liquor
6 licenses that exclude minors.

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

9 **"§281-101.5 Prohibitions involving minors; penalty. (a)**

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

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

19 (1) Possession or custody of liquor by a minor in the
20 course of delivery, pursuant to the direction of the
21 minor's employer lawfully engaged in business
22 necessitating the delivery;



- 1 (2) Possession, custody, or consumption of liquor by a
2 minor in connection with the minor's authorized
3 participation in religious ceremonies requiring such
4 possession, custody, or consumption; or
- 5 (3) Any person between the ages of eighteen and twenty,
6 who is participating in a controlled purchase as part
7 of a law enforcement activity or a study authorized by
8 the department of health to determine the level of
9 incidence of liquor sales to minors.
- 10 (c) No minor shall falsify any identification or use any
11 false identification or identification of another person or of a
12 fictitious person for the purpose of buying or attempting to buy
13 liquor [~~e~~], for the purpose of obtaining employment to sell or
14 serve liquor on licensed premises[~~-~~], or for the purpose of
15 gaining entry to the premises of a licensee that excludes minors
16 or admits only a person who produces identification to prove the
17 person is twenty-one years of age or older.
- 18 (d) Any person under age eighteen who violates this
19 section shall be subject to the jurisdiction of the family
20 court. Any person age eighteen [~~t~~] but under twenty-one years
21 of age who violates subsection (b) or (c) shall be guilty of a
22 petty misdemeanor. The court shall order that any person under



1 twenty-one years of age found to be in violation of this section
2 shall have, in addition to any other disposition or sentencing
3 provision permitted by law, the person's license to operate a
4 motor vehicle, or the person's ability to obtain a license to
5 operate a motor vehicle, suspended as follows:

6 (1) For licensed drivers, the driver's license shall be
7 suspended for not less than one hundred [~~and~~] eighty
8 days with exceptions to allow, at the discretion of
9 the sentencing court, driving to and from school,
10 school-sponsored activities, and employment;

11 (2) For persons with a provisional license, the
12 provisional license shall be suspended for not less
13 than one hundred [~~and~~] eighty days with exceptions to
14 allow, at the discretion of the sentencing court,
15 driving to and from school, school-sponsored
16 activities, and employment;

17 (3) For persons with an instruction permit, the
18 instruction permit shall be suspended for not less
19 than one hundred [~~and~~] eighty days with exceptions to
20 allow, at the discretion of the sentencing court,
21 driving to and from school, school-sponsored
22 activities, and employment; or



1 (4) For persons not licensed to drive, eligibility to
2 obtain a driver's license, provisional license, or
3 instruction permit shall be suspended until the age of
4 seventeen or for one hundred [~~and~~] eighty days, at the
5 discretion of the court; and

6 (5) Chapter 571 notwithstanding, in any case where a
7 person under the age of eighteen violates this
8 section, the family court judge may suspend the
9 driver's license, provisional license, or instruction
10 permit, or suspend the eligibility to obtain a
11 driver's license, provisional license, or instruction
12 permit in accordance with this section;

13 provided that the requirement to provide proof of financial
14 responsibility pursuant to section 287-20 shall not be based
15 upon a sentence imposed under paragraphs (1) and (2). In
16 addition, all persons whether or not licensed, found to be in
17 violation of this section shall be sentenced to at least
18 seventy-five hours of community service work, and an eight to
19 twelve hour program of alcohol education and counseling, the
20 costs of which shall be borne by the offender or the offender's
21 parent or guardian.



1 (e) In addition to any other penalties authorized by law,
2 any minor who violates subsection (b) or (c) shall be fined as
3 follows:

4 (1) For a first violation, by a fine of not less than \$100
5 and not more than \$250;

6 (2) For a violation that occurs within three years of a
7 prior violation under subsection (b) or (c), by a fine
8 of not less than \$250 and not more than \$500; and

9 (3) For a violation that occurs within three years of two
10 or more prior violations under subsection (b) or (c),
11 by a fine of not less than \$500 and not more than
12 \$1,000.

13 The director of finance shall distribute fifty per cent of
14 the revenues from the fines imposed under this subsection to the
15 county in which the violation occurred. The funds shall be
16 expended by the county for anti-underage drinking programs or
17 underage drinking law enforcement programs.

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

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 5. This Act shall take effect on July 1, 2112.



Report Title:

Intoxicating Liquor; Minors; Fines

Description:

Prohibits use by minors of false identification to enter premises of establishments, carrying liquor licenses, that exclude minors. Establishes a schedule of fines assessed against minors for violations relating to liquor. Designates fifty per cent of revenues from fines to county programs to combat underage drinking. Effective on July 1, 2112. (HB96 HD1)

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

