
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~~
7 license for the manufacture, importation, and sale of
8 liquors;

9 (2) To take appropriate action against a person who,
10 directly or indirectly, manufactures, sells, or
11 purchases any liquor without being authorized pursuant
12 to this chapter; provided that in counties which have
13 established by charter a liquor control adjudication
14 board, the board shall have the jurisdiction, power,
15 authority, and discretion to hear and determine
16 administrative complaints of the director regarding
17 violations of the liquor laws of the State or of the



1 rules of the liquor commission, and impose penalties
2 for violations thereof as may be provided by law;

3 (3) To control, supervise, and regulate the manufacture,
4 importation, and sale of liquors by investigation,
5 enforcement, and education; provided that any
6 educational program shall be limited to the commission
7 staff, commissioners, liquor control adjudication
8 board members, and licensees and their employees, and
9 shall be financed through the money collected from the
10 assessment of fines against licensees; provided that
11 fine moneys, not to exceed ten per cent a year of
12 fines accumulated, may be used to fund public [~~liquor~~
13 ~~related~~] liquor-related educational or enforcement
14 programs;

15 (4) From time to time to make, amend, and repeal such
16 rules, not inconsistent with this chapter, as in the
17 judgment of the commission seem appropriate for
18 carrying out this chapter and for the efficient
19 administration thereof, and the proper conduct of the
20 business of all licensees, including every matter or
21 thing required to be done or which may be done with
22 the approval or consent [~~or~~], by order [~~or~~], under the



1 direction or supervision of, or as prescribed by the
2 commission; which rules, when adopted as provided in
3 chapter 91 shall have the force and effect of law;

4 (5) Subject to chapter 76, to appoint and remove an
5 administrator, who may also be appointed an
6 investigator and who shall be responsible for the
7 operations and activities of the staff. The
8 administrator may hire and remove hearing officers,
9 investigators, and clerical or other assistants as its
10 business may from time to time require, [~~to~~] prescribe
11 their duties[~~]~~ and fix their compensation[~~]~~, and
12 engage the services of experts and persons engaged in
13 the practice of a profession, if deemed expedient.
14 Every investigator, within the scope of the
15 investigator's duties, shall have the powers of a
16 police officer;

17 (6) To limit the number of licenses of any class or kind
18 within the county, or the number of licenses of any
19 class or kind to do business in any given locality,
20 when in the judgment of the commission such
21 limitations are in the public interest;



- 1 (7) To prescribe the nature of the proof to be furnished,
2 the notices to be given, and the conditions to be met
3 or observed in case of the issuance of a duplicate
4 license in place of one alleged to have been lost or
5 destroyed, including a requirement of any indemnity
6 deemed appropriate to the case;
- 7 (8) To fix the hours between which licensed premises of
8 any class or classes may regularly be open for the
9 transaction of business, which shall be uniform
10 throughout the county as to each class respectively;
- 11 (9) To prescribe all forms to be used for the purposes of
12 this chapter not otherwise provided for in this
13 chapter, and the character and manner of keeping of
14 books, records, and accounts to be kept by licensees
15 in any matter pertaining to their business;
- 16 (10) To investigate violations of this chapter, chapter
17 244D and, notwithstanding any law to the contrary,
18 violations of the applicable department of health's
19 allowable noise levels, through its investigators or
20 otherwise, to include covert operations, and to report
21 violations to the prosecuting officer for prosecution

- 1 and, where appropriate, the director of taxation to
2 hear and determine complaints against any licensee;
- 3 (11) To prescribe, by rule, the terms, conditions, and
4 circumstances under which persons or any class of
5 persons may be employed by holders of licenses;
- 6 (12) To prescribe, by rule, the term of any license or
7 solicitor's and representative's permit authorized by
8 this chapter, the annual or prorated amount, the
9 manner of payment of fees for the licenses and
10 permits, and the amount of filing fees; [~~and~~]
- 11 (13) To prescribe, by rule, limitations on licensed
12 premises regarding the expression and conduct of
13 patrons therein; provided that the rules shall comply
14 with constitutional provisions regarding government
15 regulation of expression as though the rule was being
16 directly enforced against patrons; and
- 17 [~~(13)~~] (14) To prescribe, by rule, the circumstances and
18 penalty for the unauthorized manufacturing or selling
19 of any liquor."

20 SECTION 2. By not later than July 1, 2012, each county
21 liquor commission shall adopt or amend rules regarding the
22 expression or conduct of patrons in premises licensed to sell



1 liquor for consumption thereon. The rules of each county liquor
2 commission shall include a definition of the term "dancing."

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

5 SECTION 4. This Act shall take effect on January 1, 2059.



Report Title:

Liquor Commissions; Rules; Dancing

Description:

Requires county liquor commissions to adopt or amend rules by July 1, 2012, regarding conduct of patrons and to define the term "dancing." Effective January 1, 2059. (HB1339 HD1)

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

