

JAN 21 2011

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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 in Waikiki the  
2 density of liquor establishments holding a class 11 cabaret  
3 license has posed public safety issues to residents and  
4 visitors. Cabarets in Waikiki are allowed by statute to serve  
5 liquor until 4:00 a.m., at a time when peace and serenity can be  
6 reasonably expected in Waikiki. The legislature further finds  
7 that requiring a minimum distance between class 11 cabaret  
8 license establishments in Waikiki is a least restrictive  
9 alternative to protect the public safety.

10           The purpose of this Act is to require a minimum distance  
11 between class 11 cabaret license premises in Waikiki.

12           SECTION 2. Section 281-31, Hawaii Revised Statutes, is  
13 amended by amending subsection (k) to read as follows:

14           "(k) Class 11. Cabaret license. A cabaret license shall  
15 be general only (but excluding alcohol) and shall authorize the  
16 sale of liquor for consumption on the premises. This license  
17 shall be issued only for premises where food is served,  
18 facilities for dancing by the patrons are provided, including a



1 dance floor, and live or amplified recorded music or  
2 professional entertainment, except professional entertainment by  
3 a person who performs or entertains unclothed, is provided for  
4 the patrons; provided that professional entertainment by persons  
5 who perform or entertain unclothed shall be authorized by:

6 (1) A cabaret license for premises where professional  
7 entertainment by persons who perform or entertain  
8 unclothed was presented on a regular and consistent  
9 basis immediately prior to June 15, 1990; or

10 (2) A cabaret license that, pursuant to rules adopted by  
11 the liquor commission, permits professional  
12 entertainment by persons who perform or entertain  
13 unclothed.

14 A cabaret license under paragraph (1) or (2) authorizing  
15 professional entertainment by persons who perform or entertain  
16 unclothed shall be transferable through June 30, 2000. A  
17 cabaret license under paragraph (1) or (2) authorizing  
18 professional entertainment by persons who perform or entertain  
19 unclothed shall not be transferable after June 30, 2000, except  
20 when the transferee obtains approval from the liquor commission,  
21 and pursuant to rules adopted by the commission.

22 Notwithstanding any rule of the liquor commission to the



1 contrary, cabarets in resort areas may be opened for the  
2 transaction of business until 4 a.m. throughout the entire week.

3 No cabaret license shall be issued or renewed for any  
4 premise that operates or plans to operate, as applicable, at a  
5 distance of less than one hundred feet of another cabaret  
6 license premise in an area of a county having a population in  
7 excess of five hundred thousand, specifically in the area of  
8 that county that is bordered by Kalakaua Avenue, Kuhio Avenue,  
9 Kapahulu Avenue, and McCully Street, generally known as Waikiki.

10 For purposes of this subsection, in the case of an  
11 application for renewal of a cabaret license on a premise that  
12 is located less than one hundred feet from another cabaret  
13 license premise, the cabaret license that has been in the  
14 longest continuous existence shall be deemed to have pre-existed  
15 the other cabaret license, without regard to the identity of the  
16 licensee in either case, and shall receive a preference for  
17 renewal; provided that the commission also finds that the  
18 licensee has met other standards of operation as established by  
19 rules adopted by the commission."

20 SECTION 3. Section 281-61, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1        "(a) Other than for good cause<sup>[7]</sup> and except as provided  
2 in section 281-31, the renewal of an existing license shall be  
3 granted upon the filing of an application; provided that if:

- 4            (1) Complaints from the public;  
5            (2) Reports from the commission's investigators; or  
6            (3) Adjudications of the commission or the liquor control  
7            adjudication board,

8 indicate that noise created by patrons departing from the  
9 premises disturbs residents on the street or of the neighborhood  
10 in which the premises are located, or that noise from the  
11 premises or adjacent related outdoor areas such as parking lots  
12 or lanais exceed standards contained in state or county noise  
13 codes or intrudes into nearby residential units, the commission  
14 may deny the renewal application or withhold the issuance of a  
15 renewed license until corrective measures meeting the  
16 commission's approval are taken."

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

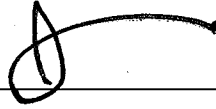
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1 SECTION 5. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: \_\_\_\_\_

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**Report Title:**

Intoxicating Liquor; Cabaret License

**Description:**

Requires a minimum distance between class 11 cabaret license premises in Waikiki.

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

