

JAN 18 2013

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# 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~~] are deemed  
18 appropriate for carrying out this chapter and for the  
19 efficient administration thereof, and the proper  
20 conduct of the business of all licensees, including  
21 every matter or thing required to be done or which may  
22 be done with the approval or consent [~~of~~], by order



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

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

18          (6) To limit the number of licenses of any class or kind  
19          within the county, or the number of licenses of any  
20          class or kind to do business in any given locality,  
21          when in the judgment of the commission such  
22          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  
22          and, where appropriate, the director of taxation to



1           hear and determine complaints against any licensee;  
2           provided that a liquor commission in a county with a  
3           population of seven hundred thousand or greater may  
4           establish a pilot program that employs both a dBA and  
5           a dBC sound level measurement system for the purpose  
6           of community noise control; provided further that the  
7           dBC sound level measurements shall be in accordance  
8           with the following maximum permissible sound levels in  
9           dBC:

10          (A) Zoning districts that include all areas  
11             equivalent to lands zoned residential,  
12             conservations, preservation, public space, open  
13             space, or similar type shall have a maximum dBC  
14             sound level of fifty-five from 7:00 a.m. to 10:00  
15             p.m. and a maximum dBC level of forty-five from  
16             10:00 p.m. to 7:00 a.m.;

17          (B) Zoning districts that include all areas  
18             equivalent to lands zoned for multi-family  
19             dwellings, apartment, business, commercial,  
20             hotel, resort, or similar type shall have a  
21             maximum dBC sound level of sixty from 7:00 a.m.



- 1 to 10:00 p.m. and a maximum dBC level of fifty  
2 from 10:00 p.m. to 7:00 a.m.; and
- 3 (C) Zoning districts that include all areas  
4 equivalent to lands zoned in agriculture,  
5 country, industrial, or similar type shall have a  
6 maximum dBC sound level of seventy from 7:00 a.m.  
7 to 10:00 p.m. and a maximum dBC level of seventy  
8 from 10:00 p.m. to 7:00 a.m.;
- 9 (11) To prescribe, by rule, the terms, conditions, and  
10 circumstances under which persons or any class of  
11 persons may be employed by holders of licenses;
- 12 (12) To prescribe, by rule, the term of any license or  
13 solicitor's and representative's permit authorized by  
14 this chapter, the annual or prorated amount, the  
15 manner of payment of fees for the licenses and  
16 permits, and the amount of filing fees; [~~and~~]
- 17 (13) To prescribe, by rule, limitations on licensed  
18 premises regarding the expression and conduct of  
19 patrons therein; provided that the rules shall comply  
20 with constitutional provisions regarding government  
21 regulation of expression as though the rule was being  
22 directly enforced against patrons; and



1        ~~[(13)]~~ (14) To prescribe, by rule, the circumstances and  
 2                    penalty for the unauthorized manufacturing or selling  
 3                    of any liquor."

4            SECTION 2. By not later than July 1, 2014, each county  
 5 liquor commission shall adopt or amend rules regarding the  
 6 expression or conduct of patrons in premises licensed to sell  
 7 liquor for consumption thereon. The rules of each county liquor  
 8 commission shall include a definition of the term "dancing".

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

11           SECTION 4. This Act shall take effect upon its approval;  
 12 provided that the amendments made to section 281-17(a), Hawaii  
 13 Revised Statutes, in section 1 of this Act shall not be repealed  
 14 on May 5, 2017, pursuant to section 4 of Act 297, Session Laws  
 15 of Hawaii 2012.

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INTRODUCED BY:

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# S.B. NO. 464

**Report Title:**

Liquor Commissions; Rules; Dancing

**Description:**

Requires county liquor commission to adopt or amend rules by July 1, 2014, 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.*

