

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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TESTIMONY OF J. ROGER MORTON  
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BEFORE THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION & COMMERCE  
**Tuesday, March 14, 2023, 2:00 PM, Via Videoconference**

TO: Representative Mark M. Nakashima, Chair, Representative Jackson D. Sayama, Vice Chair, and Members of the Committee on Consumer Protection & Commerce

RE: TESTIMONY IN SUPPORT OF SENATE BILL 910 SD1, RELATING TO INTOXICATING LIQUOR, WITH REQUESTED EXEMPTION

The Department of Transportation Services (DTS) of the City and County of Honolulu (City) supports Senate Bill 910, Senate Draft 1 (SB 910 SD1), relating to intoxicating liquor, and requests an exemption.

DTS strongly supports the intent of SB 910 SD1, which proposes to restrict the sale of liquor under temporary liquor licenses to confined and demarcated spaces not located on public streets, roads, sidewalks, or pedestrian walkways. However, to the extent that the measure would prohibit the sale of liquor by restaurants that are currently selling liquor on City sidewalks under the City's Outdoor Dining Program, in accordance with Ordinance 22-19, approved on July 21, 2022 (Ord. 22-19), the City respectfully requests an exemption for such restaurants.

Ord. 22-19 authorizes a pilot program for outdoor dining services that allows restaurants to use City properties including sidewalks, pedestrian malls, parks, and playgrounds for dining and take-out operations. Under the City program, participating restaurants are already required to comply with guidelines, conditions, and restrictions that address many of the concerns raised in the bill, including:

- Restaurants can only sell liquor during the business' normal operating hours, and within a clearly demarcated area on City property, while maintaining at least a three-foot pathway for pedestrian access on sidewalks;
- Restaurants must first obtain the approval of the Honolulu Liquor Commission to sell liquor on City property under the restaurant's existing license;
- Restaurants cannot have live or amplified music on the utilized City property; and
- Restaurant may not store its furniture on City property when not in use, and no usage of City property is allowed between 11:00 p.m. and 7:00 a.m.

Accordingly, DTS respectfully requests that restaurants operating on City property under the City's Outdoor Dining program be exempt from the restrictions of the proposed law.

Thank you for the opportunity to submit this testimony in support.