

ACT 177

S. B. NO. 919

A Bill for an Act Amending Chapter 281, Hawaii Revised Statutes, Relating to Intoxicating Liquors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The second paragraph of section 281-2, Hawaii Revised Statutes, is amended to read as follows:

“Any person who manufactures any of the articles mentioned in this section may purchase and possess alcohol for that purpose, but he shall not

sell, use, or dispose of any alcohol otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, syrup, or article named in paragraphs (2), (3), and (4) of this section which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation thereof."

SECTION 2. Section 281-4(c), Hawaii Revised Statutes, as amended, is further amended to read as follows:

"(c) It shall be unlawful for any person who keeps or maintains any restaurant or other premises where food, beverages, or entertainment are sold or provided for compensation, to sell or provide any food or beverages to or for any of the following persons knowing that such person has, or is about to obtain, liquor for consumption by him on the premises, to wit:

- (1) any minor,
- (2) any person at the time under the influence of liquor,
- (3) any disorderly person,
- (4) any person known to be addicted to the excessive use of liquor,
- (5) any person, for consumption in any vehicle on the premises; provided, that the sale of or the providing of food or beverages to or for a minor who has or is about to obtain liquor for consumption by him on the premises shall not be deemed to be a violation of this subsection if, at the time, the person so selling or providing food or beverages was misled by the appearance of the minor and the attending circumstances into honestly believing that such minor was of legal age and the person acted in good faith, and it shall be incumbent upon the person to prove that he so acted in good faith."

SECTION 3. Section 281-32, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 281-32. Licenses, temporary. A temporary license of any class and kind specified in section 281-31 may be granted under the following conditions:

- (1) The premises shall have been operated under a license of the same class and kind issued by the liquor commission at least one year immediately prior to the date of filing of the application for temporary license.
- (2) The license of the same class and kind then in effect for the premises shall be surrendered in such manner and at such time as the commission shall direct.
- (3) The applicant for temporary license shall have filed with the commission an application for the transfer to him of the license of the same class and kind then in effect for the premises.
- (4) The application for temporary license shall be accompanied by a license fee in such amount as may be prescribed by the commission. If the application is denied or withdrawn, the fee which accompanied the application shall be refunded in full.
- (5) A temporary license shall be for a period of not in excess of sixty days. The license may be renewed at the discretion of the commission

for not more than one additional sixty day period upon payment of such additional fee as may be prescribed by the commission and upon compliance with all conditions required in this section and section 281-31.

- (6) A temporary license shall authorize the licensee to purchase liquor only by payment in currency or certified check for the liquor before or at the time of delivery of the liquor to him.
- (7) Sections 281-52 and 281-54 and sections 281-56 to 281-61 shall not apply to any application for temporary license."

SECTION 4. The third paragraph of section 281-39, Hawaii Revised statutes, as amended, is further amended to read as follows:

"The application shall state the name of the applicant, his age, residence, and place of business, the name and address of the manufacturer or wholesale dealer he represents and shall be accompanied by a statement from the manufacturer or wholesale dealer to the effect that the applicant has been appointed as its solicitor or representative. All sales and all orders taken for liquor by any such solicitor or representative shall be subject to the rules and regulations of the commission for the county within which the sales are made or orders taken."

SECTION 5. The first paragraph of section 281-53, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 281-53. Application; penalty for false, statements. Every application for a license or for the renewal of a license or for the transfer of a license shall be in writing, signed and, except for the renewal of a license, verified by the oath of the applicant, or in the case of a corporation or unincorporated association by the proper officer or officers thereof, or if a partnership by a majority of the general partners thereof, made before any official authorized by law to administer oaths, and shall be addressed to the liquor commission, and set forth:

- (1) The full name, age and place of residence of the applicant; and if a copartnership the names, ages, and respective places of residence of all the partners; if a corporation or joint-stock company, its full name and the names of its officers and directors, and the names of all stockholders owning twenty-five per cent or more of the outstanding capital stock; and if any other association of individuals, the names, ages, and respective places of residence of its officers and the number of its members;
- (2) A particular description of the place or premises where the proposed license is to be exercised, so that the exact location and extent thereof may be clearly and definitely determined therefrom;
- (3) The class and kind of license applied for;
- (4) Any other matter or information pertinent to the subject matter which may be required by the rules and regulations of the commission."

SECTION 6. Section 281-58, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-58. Protests. Protests against the granting of a license upon such application may be so filed by any registered voter for the election precinct within which the applicant proposes to establish or continue his business under the license applied for, or by any person owning in fee simple any real estate or holding the same under a recorded lease, situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate.”

SECTION 7. Section 281-59, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-59. Hearing. Upon the day of hearing, or any adjournment thereof, the liquor commission shall consider the application and any protests and objections to the granting thereof, and hear the parties in interest, and shall within fifteen days thereafter give its decision granting or refusing the application; provided that if a majority of the registered voters for the precinct or a majority of the persons owning such real estate or holding the same under recorded leases have duly filed or caused to be filed their protests against the granting of the license upon the original application therefor, or if there appears any other disqualification under this chapter, the application shall be refused. Otherwise the commission may in its discretion grant or refuse the same. The commission may also, with like discretion, grant a license to one person in preference to another, without reference to any priority in the order of filing of the applications; and may of its own motion, or on the suggestion of any member thereof, or of the inspector take notice of any matter or thing which in the opinion of a majority of its members would be a sufficient objection to the granting of a license; but in such case if the objection is one to which the applicant should be given a reasonable time to answer, a continuance may be granted in the discretion of the commission; provided, that in any case where any person affected by such decision petitions the commission for a rehearing of the application and on oath alleges facts and grounds for consideration which were not formerly presented or considered, or any other matter of fact which in the judgment of the commission seems sufficient to warrant a rehearing, such rehearing may be granted by the commission in its discretion. When a rehearing is allowed notice thereof shall be given to the applicant and to his opponents, by publication or otherwise as the commission shall direct.”

SECTION 8. The first paragraph of section 281-97, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 281-97. When sale without license authorized. In case a license is revoked or canceled or not renewed, the licensee may with the permission of and upon the conditions set by the liquor commission sell intoxicating liquors then in his possession within sixty days, or within such additional time allowed by the commission, unless under this chapter the same are seized or forfeited.”

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

*Edited accordingly.

SECTION 10. This Act shall take effect upon its approval.
(Approved June 2, 1972.)