

A Bill for an Act Relating to Intoxicating Liquor.

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

SECTION 1. Section 281-33.1, Hawaii Revised Statutes, is amended to read as follows:

“§281-33.1 Individual permits to receive shipments of liquor. (a) Notwithstanding any other provisions of law, any unlicensed adult person may apply to the liquor commission and be issued, for a nominal fee, except as hereinafter provided, a permit to receive a single shipment of liquor from outside the State, not to exceed five gallons, (19 liters), for use and consumption by the applicant and the applicant's household and not for sale in any form.

(b) In the case of a shipment ~~[which]~~ that the applicant shows is an unsolicited gift, the quantities permitted to be received under subsection (a) ~~[above]~~ shall be limited to 3.2 gallons (12 liters) in total of all kinds of liquor.

(c) In the case of a shipment in respect of which the applicant shows to the liquor commission that the liquor was prior to the date of the application the personal property of the applicant, formed a part of the applicant's household goods, was used and stored outside the State, and was originally acquired (or made by the applicant) outside the State, the quantity of wine, or other liquor capable of aging and originating from grapes or other fruit, which shall be permitted to be received under subsection (a) ~~[above]~~ may exceed the limit there stated if the commission finds that it is reasonable to do so consistent with the intent of this statute to allow persons taking up residency in the State the free movement of their household goods into this State.

(d) In the case of a shipment of wine or beer ~~[which]~~ that is otherwise available in the State, the permit shall not be issued unless the applicant ~~[shall pay]~~ pays a fee equal to the tax that would be imposed by section 244D-4 upon the use of liquor having a wholesale price equal to the price paid or to be paid by the applicant for the wine or beer being shipped, and such fee shall be in lieu of the imposition by section 244D-4 of any tax upon the use of ~~[such]~~ the wine or beer.

(e) Except in the case of applications meeting the requirements of ~~[subsections]~~ subsection (b), (c), or (d), the permit shall not be issued unless the applicant demonstrates to the satisfaction of the liquor commission that each of the brands to be brought in under the permit is otherwise unavailable in the State.

(f) No more than one permit may be issued pursuant to subsection (a) in respect of any one household in any calendar year, and each applicant shall be required to affirm, under penalty of perjury, that no member of the applicant's household has previously received such a permit in the applicable calendar year.

(g) All such applications and shipments shall be in accordance with regulations promulgated by the liquor commission.

(h) A common carrier to whom the permit is presented is authorized to make delivery of the described shipment to the person named in the permit. Delivery of such a shipment pursuant to the permit shall not be deemed to constitute a sale in this State.

(i) An unlicensed adult person shall not be required to obtain a permit under this section to receive shipments of liquor pursuant to section 281-33.5.”

SECTION 2. Section 281-33.5, Hawaii Revised Statutes, is amended to read as follows:

“[§281-33.5] Reciprocal shipments of wine. Notwithstanding any other law to the contrary, the holder of a license to manufacture wine in another state that

affords holders of a class 1 license to manufacture wine under section 281-31 an equal reciprocal shipping privilege, may ship for personal use and not for resale not more than [~~two~~] three cases of wine of its own manufacture per year, with each case containing not more than nine liters, to any resident twenty-one years of age or older. Out-of-state wine manufacturers that are authorized to ship wine under this section shall submit, to the appropriate liquor commission, a shipping invoice for each delivery into this State. Delivery of a shipment into this State under this section shall not be deemed to constitute a sale in this State.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 2003.)