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## A BILL FOR AN ACT

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RELATING TO LIQUOR LICENSES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Section 281-32, Hawaii Revised Statutes, is  
2   amended to read as follows:

3       "§281-32   Licenses, temporary.   (a)   A temporary license of  
4   any class and kind specified in section 281-31 may be granted  
5   under the following conditions:

6       (1)   The premises shall have been operated under a license  
7           of the same class, kind, and category issued by the  
8           liquor commission at least one year immediately prior  
9           to the date of filing of the application for a  
10          temporary license, except as otherwise approved by the  
11          commission;

12       (2)   The license of the same class, kind, and category then  
13          in effect for the premises shall be surrendered in  
14          such manner and at such time as the commission shall  
15          direct;

16       (3)   The applicant for a temporary license shall have filed  
17          with the commission an application for a license of



1 the same class, kind, and category currently or  
2 previously in effect for the premises;

3 (4) The application for a temporary license shall be  
4 accompanied by a license fee in such amount as may be  
5 prescribed by the commission. If the application is  
6 denied or withdrawn, the fee which accompanied the  
7 application shall become a realization of the county;

8 (5) A temporary license shall be for a period of not in  
9 excess of one hundred and twenty days. The license  
10 may be renewed at the discretion of the commission for  
11 not more than one additional one hundred twenty-day  
12 period upon payment of such additional fee as may be  
13 prescribed by the commission and upon compliance with  
14 all conditions required in this section and section  
15 281-31. When a temporary license has expired and no  
16 permanent license has been issued, the sale and  
17 service of liquor shall cease until the permanent  
18 license is issued; provided that, when applicable, the  
19 license shall be properly renewed;

20 (6) A temporary license shall authorize the licensee to  
21 purchase liquor only by payment in currency, check, or



1 certified check for the liquor before or at the time  
2 of delivery of the liquor to the licensee, except as  
3 otherwise provided by commission rule; and

4 (7) Sections 281-52 and 281-54 and sections 281-56 to 281-  
5 61 shall not apply to any application for a temporary  
6 license.

7 (b) Notwithstanding any other section of law to the  
8 contrary, the commission shall streamline procedures, including  
9 the waiving of hearings, fees, notarization of documents,  
10 submission of floor plans, and other requirements, to provide  
11 for the issuance of temporary licenses for the sale of liquor  
12 for a period not to exceed one day for fundraising events by  
13 nonprofit organizations recognized under state or federal law.  
14 No criminal history record checks under section 281-53.5 shall  
15 be required; provided that the commission may require a  
16 background check on the executive director of the nonprofit  
17 organization. The commission may adopt rules to implement this  
18 section."

19 SECTION 2. Section 281-60, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1       "(b) If an application pertaining to a particular premises  
2 or building location is denied, refused, or withdrawn, the next  
3 application from any applicant for that premises or building  
4 location shall include a report prepared by the applicant  
5 evidencing a substantial change in the circumstances that caused  
6 the previous denial, refusal, or withdrawal. The commission  
7 shall deny the application at the preliminary hearing unless the  
8 applicant submits evidence of a substantial change in the  
9 circumstances that previously caused the denial, refusal, or  
10 withdrawal of an application pertaining to that premises or  
11 building location. The commission may consider the following  
12 factors in deciding whether to grant an application pertaining  
13 to a premises or building location for which an application has  
14 previously been denied, refused, or withdrawn:

- 15       (1) Whether a majority of the registered voters residing  
16           within five hundred feet of the nearest point of the  
17           premises or building location for which the license is  
18           asked, or a majority of the owners and lessees of  
19           record of real estate and owners of record of shares  
20           in a cooperative apartment within five hundred feet of  
21           the nearest point of the premises or building location



1           for which the license is asked, no longer oppose the  
2           granting of the license;

3           (2) Whether plans for the construction, building design,  
4           use, or operation of the proposed establishment have  
5           been altered such that they will not conflict with the  
6           character of the surrounding area. In evaluating the  
7           character of an area for the purposes of this section,  
8           the commission may consider the following factors:

9           (A) The usual and existing types of business,  
10           residential, and recreational uses and activities  
11           within the area;

12           (B) The proximity of residential areas;

13           (C) The population density of the area;

14           (D) The typical or ambient noise levels of the area;

15           (E) The motor vehicle traffic volume, congestion, and  
16           noise; and

17           (F) Any other factors that the commission finds  
18           relevant;

19           (3) Whether the neighborhood board for the area where the  
20           premises is located has rendered a decision on the  
21           granting of the license; and



~~(5) Any other considerations deemed by the commission to affect the matter of the application, the issuance, or the exercise of the license applied for]."~~

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

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January 1971

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20/12/21

# H.B. NO. 2414

**Report Title:**

Liquor Commission; Temporary Liquor Licenses; Liquor License Application

**Description:**

Requires the liquor commission to streamline procedures to provide for the issuance of temporary licenses for the sale of liquor for a period not to exceed one day for fundraising events by nonprofit organizations. Removes language that allows any other considerations deemed by the liquor commission to affect the matter of the application, the issuance, or the exercise of the license applied for, on reconsideration of a previously denied, refused, or withdrawn liquor license application.

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

