

JAN 19 2018

A BILL FOR AN ACT

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6 denied or withdrawn, the fee which accompanied the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



S.B. NO. 2549

1 (4) Whether the applicant is a fit and proper person to
2 have a license[, and
3 ~~(5) Any other considerations deemed by the commission to~~
4 ~~affect the matter of the application, the issuance, or~~
5 ~~the exercise of the license applied for]."~~

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY: ~~SEN. D.C. GIBSON~~ *D.C. Gibson*
J. Alan Eggh
Daniel D. [unclear]



S.B. NO. 2549

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.

